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FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION

Joint written statement submitted by Caritas Internationalis, Commission of the Churches on International Affairs of the World Council of Churches and Friends World Committee for Consultation (Quakers), non-governmental organizations in consultative status (category II)

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[7 December 1992]

PROTECTION OF INTERNALLY DISPLACED PERSONS

1. At its forty-eighth session, the United Nations Commission on Human Rights adopted without a vote resolution 1992/73 entitled "Internally displaced persons" which was sponsored by thirty-eight States. The resolution was introduced by the delegation of Austria and co-sponsored by Argentina, Australia, Bulgaria, Burundi, Canada, Chile, China, Costa Rica, Cyprus, the Czech and Slovak Federal Republic, Denmark, Finland, France, the Gambia, Ghana, Greece, Hungary, India, Italy, Kenya, Lebanon, Lesotho, Madagascar, Mauritania, Nigeria, Norway, the Philippines, Poland, the Russian Federation, Rwanda, Senegal, Somalia, Sweden, Switzerland, the United Kingdom of Great Britain and Northern Ireland, the United Republic of Tanzania, and Venezuela. The resolution was warmly welcomed by non-governmental organizations as a significant step in focusing greater international attention on the protection needs of persons who are displaced within their own country.

2. On 14 August 1992, the Commission on Human Rights, at its first special session, adopted without a vote resolution 1992/S-1/1 entitled "The situation of human rights in the territory of the former Yugoslavia". Paragraph 13 of the resolution "Requests the existing mechanisms of the Commission on Human Rights, in particular ... the representative of the Secretary-General on internally displaced persons ... to give urgent attention to the situation in former Yugoslavia ...".

3. Internally displaced persons are individuals who have been forced to flee their homes and who have not crossed an international frontier. The main causes of internal displacement are: armed conflicts, civil and ethnic strife, systematic violations of human rights, and forced relocation. Natural disasters may also coincide with other reasons for resettlement. Displacement because of environmental disasters can be exacerbated by government failure to take prompt and appropriate action. Internally displaced persons frequently leave their homes for similar reasons as refugees. As Mrs. Ogata, the United Nations High Commissioner for Refugees, stated, "Whether the victims find sanctuary within their own borders or across them is as much a matter of chance and geography as of forethought". Internal displacement can, therefore, be seen as a potential refugee flow into neighbouring States.

4. Millions of people are internally displaced within their national borders and they are to be found in all regions of the world. People who are internally displaced must look to the international community for protection and assistance because their own Government is unable or unwilling to protect them. At present there is no intergovernmental organization which is mandated to provide them with protection and assistance. However, when these persons are displaced through armed conflict or internal strife, the International Committee of the Red Cross (ICRC), according to its mandate as a specifically neutral and independent institution and intermediary, endeavours to ensure them protection and assistance. In other situations independent voluntary agencies provide wherever possible humanitarian assistance to internally displaced persons and are concerned about the many serious violations of their human rights.

5. In the case of armed conflict, persons displaced within their countries are protected by fundamental guarantees relating to the treatment of persons who do not take part in hostilities, under article 3 common to the four Geneva Conventions of 1949 and in Additional Protocol II of 1977 which relate to the protection of victims of non-international armed conflicts. In other situations existing human rights standards are applicable but they are not designed to meet some of the special needs of internally displaced persons.

6. Caritas Internationalis, Commission of the Churches on International Affairs (CCIA) and Friends World Committee for Consultation (Quakers) are deeply concerned about the very large numbers of internally displaced persons and the absence of any United Nations body to guarantee them international protection.

7. We agree with the Secretary-General of the United Nations in his report on the Organization where he states in paragraph 160 "with ever-increasing numbers of internally displaced persons - in fact exceeding the number of

refugees - there is a need to bring clarity to institutional mandates. This problem has been addressed on an ad hoc basis, but it is now timely to devise a clear United Nations system-wide approach to it".

8. We welcome the fact that at its first special session the United Nations Commission on Human Rights by its resolution on the human rights situation in the territory of the former Yugoslavia considers the Secretary-General's Special Representative on internally displaced persons, Francis Deng, to be one of its thematic mechanisms and that the Special Representative was a member of the second United Nations human rights mission to the former Yugoslavia.

9. We propose that the Special Representative should, inter alia: seek and receive information, monitor existing situations, liaise with relevant parts of the United Nations system and concerned regional organizations, enter into dialogue with concerned parties, undertake fact-finding missions, initiate case studies on situations of internal displacement, draft new protection guidelines, advise the Secretary-General on measures to be taken which would contribute to alleviating the plight of internally displaced persons, and provide the Secretary-General with early warning of internal displacement and potential refugee flows.